

AMENDED IN SENATE SEPTEMBER 2, 2003

AMENDED IN SENATE JULY 8, 2003

AMENDED IN SENATE JUNE 25, 2003

AMENDED IN SENATE JUNE 19, 2003

AMENDED IN ASSEMBLY MAY 23, 2003

AMENDED IN ASSEMBLY MAY 13, 2003

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 170

Introduced by Assembly Member Reyes

January 23, 2003

An act to add Section ~~65302.4~~ 65302.1 to the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 170, as amended, Reyes. Air quality element: San Joaquin Valley.

Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for

housing, business, industry, open space, and other categories of public and private uses of land.

This bill would make legislative findings and declarations regarding air pollution problems in the San Joaquin Valley. The bill would require the legislative body of each city and county within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District to adopt an air quality element as part of its general plan or amend the appropriate elements of its general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality no later than one year from the date specified for the next revision of its housing element.

The bill would also require these cities and counties, at least 45 days prior to the adoption of an air quality element or the amendment of a general plan, to send a copy of the draft air quality document to the district for review and comment, as specified. By increasing the duties of local public officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section ~~65302.4~~ 65302.1 is added to the
2 Government Code, to read:
3 ~~65302.4.~~
4 65302.1. (a) The Legislature finds and declares all of the
5 following:
6 (1) The San Joaquin Valley has a serious air pollution problem
7 that will take the cooperation of land use and transportation
8 planning agencies, transit operators, the development community,
9 the San Joaquin Valley Air Pollution Control District and the
10 public to solve. The solution to the problem requires changes in the
11 way we have traditionally built our communities and constructed
12 the transportation systems. It involves a fundamental shift in



1 priorities from emphasis on mobility for the occupants of private
2 automobiles to a multimodal system that more efficiently uses
3 scarce resources. It requires a change in attitude from the public
4 to support development patterns and transportation systems
5 different from the status quo.

6 (2) In 2003 the district published a document entitled, Air
7 Quality Guidelines for General Plans. This report is a
8 comprehensive guidance document and resource for cities and
9 counties to use to include air quality in their general plans. It
10 includes goals, policies, and programs that when adopted in a
11 general plan will reduce vehicle trips and miles traveled and
12 improve air quality.

13 (3) Air quality guidelines are recommended strategies that do,
14 when it is feasible, all of the following:

15 (A) Determine and mitigate project level and cumulative air
16 quality impacts under the California Environmental Quality Act
17 (CEQA) (Division 13 (commencing with Section 21000) of the
18 Public Resources Code).

19 (B) Integrate land use plans, transportation plans, and air
20 quality plans.

21 (C) Plan land uses in ways that support a multimodal
22 transportation system.

23 (D) Local action to support programs that reduce congestion
24 and vehicle trips.

25 (E) Plan land uses to minimize exposure to toxic air pollutant
26 emissions from industrial and other sources.

27 (F) Reduce particulate matter emissions from sources under
28 local jurisdiction.

29 (G) Support district and public utility programs to reduce
30 emissions from energy consumption and area sources.

31 (4) The benefits of including air quality concerns within local
32 general plans include, but are not limited to, all of the following:

33 (A) Lower infrastructure costs.

34 (B) Lower public service costs.

35 (C) More efficient transit service.

36 (D) Lower costs for comprehensive planning.

37 (E) Streamlining of the permit process.

38 (F) Improved mobility for the elderly and children.

39 (b) The legislative body of each city and county within the
40 jurisdictional boundaries of the district shall either adopt an air

1 quality element as part of its general plan or amend the appropriate
2 elements of its general plan, which may include, but are not limited
3 to, the required elements dealing with land use, circulation,
4 housing, conservation, and open space, to include data and
5 analysis, goals, policies, and objectives, and feasible
6 implementation strategies to improve air quality.

7 (c) The adoption of an air quality element or the amendment of
8 a general plan to comply with the requirements of subdivision (d)
9 shall include all of the following:

10 (1) A report describing local air quality conditions including
11 air quality monitoring data, emission inventories, lists of
12 significant source categories, attainment status and designations,
13 and applicable state and federal air quality plans and transportation
14 plans.

15 (2) A summary of local, ~~SJVAPCD~~ *district*, state, and federal
16 policies, programs, and regulations that may improve air quality
17 in the city or county.

18 (3) A comprehensive set of goals, policies, and objectives that
19 may improve air quality consistent with the strategies listed in
20 paragraph (3) of subdivision (a).

21 (4) A set of feasible implementation measures designed to
22 carry out those goals, policies, and objectives.

23 (d) At least 45 days prior to the adoption of an air quality
24 element or the amendment of a general plan pursuant to this
25 section, each city and county shall send a copy of its draft
26 document to the district. The district may review the draft elements
27 or amendments to determine whether they may improve air quality
28 consistent with the strategies listed in paragraph (3) of subdivision
29 (a). Within 30 days of receiving the draft elements or draft
30 amendments, the district shall send any comments and advice to
31 the city or county. The legislative body of the city or county shall
32 consider the district's comments and advice prior to the final
33 adoption of the air quality element or amendments to the general
34 plan. If the district's comments and advice are not available by the
35 time scheduled for the final adoption of the air quality element or
36 amendments to the general plan, the legislative body of the city or
37 county may act without them. The district's comments shall be
38 advisory to the city or county.

39 (e) The legislative body of each city and county within the
40 jurisdictional boundaries of the district shall comply with this

1 section no later than one year from the date specified in Section
2 65588 for the next revision of its housing element that occurs after
3 January 1, 2004.

4 (f) As used in this section, “district” means the San Joaquin
5 Valley Air Pollution Control District.

6 SEC. 2. Nothing in this act shall be interpreted to expand the
7 application of the California Environmental Quality Act (Division
8 13 (commencing with Section 21000) of the Public Resources
9 Code), the existing authorities of the affected local governments,
10 or of the San Joaquin Valley Air Pollution Control District.

11 SEC. 3. *The Legislature finds and declares that Sections*
12 *65104 and 66014 of the Government Code provide local agencies*
13 *with authority to levy fees sufficient to pay for the program or level*
14 *of service mandated by this act.*

15 SEC. 4. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 a local agency or school district has the authority to levy service
18 charges, fees, or assessments sufficient to pay for the program or
19 level of service mandated by this act, within the meaning of
20 Section 17556 of the Government Code.

